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*Attorneys for Defendants County-Wide
Masonry Corp. and Anthony Derasmo*

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

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GERARDO MOTA BAUTISTA, HUGO
BAUTISTA, JUAN LUIS OVANDO
ZEPEDA, JUAN ZEPEDA, JULIO RICARDO
ALVAREZ MACATOMA, LEONCIO
TORRES ACUNA, MARIO MORALES
ROJAS, OMAR RODRIGUEZ, and
ANTONIO LIMON HERNANDEZ
*Individually and on behalf of others similarly
situated,*

Plaintiffs,

-against-

COUNTY-WIDE MASONRY CORP.,
CARBEN INDUSTRIES INC., CARBEN
CONCRETE INC., CARBEN CONSTRUCTION
INC., ANTHONY DERASMO, ANTHONY
LOGIUDICE, RONALD BROWNING and
MARTIN DOE a/k/a PERU,

Defendants.
-----X

Case No.: 19-cv-08808-AT

**ANSWER TO CROSSCLAIMS
OF CARBEN INDUSTRIES, INC.,
CARBEN CONSTRUCTION, INC.,
ANTHONY LOGUIDICE and
RONALD BROWNING**

Defendants COUNTY-WIDE MASONRY CORP. (“CWM”) and ANTHONY DERASMO
 (“Derasmo”)(collectively, the “County-Wide Defendants”) by their attorneys Dealy Silberstein &
 Braverman, LLP, answer the Crossclaims of CARBEN INDUSTRIES, INC. (“Carben Industries”),
 CARBEN CONSTRUCTION, INC. (“Carben Construction”), ANTHONY LOGUIDICE
 (“Loguidice”) and RONALD BROWNING (“Browning”)(collectively, the “Carben Defendants”)
 as follows:

AS AND FOR A RESPONSE TO FACTUAL BACKGROUND

1. There is no allegation of fact contained in paragraph 1 of the Crossclaims which would require a response.
2. The County-Wide Defendants deny the allegations contained in paragraph 2 of the Crossclaims except admit that CWM entered into a Sub-Subcontractor Agreement with Carben Construction regarding work to be performed at 70 Schermerhorn St., Brooklyn, NY.
3. The County-Wide Defendants deny the allegations contained in paragraph 3 of the Crossclaims except admit that CWM entered into a Sub-Subcontractor Agreement with Carben Industries regarding work to be performed at 120 Water St., New York, NY.
4. The County-Wide Defendants deny knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 4 of the Crossclaims.
5. The County-Wide Defendants deny the allegations contained in paragraph 5 of the Crossclaims and specifically aver that they did not employ Plaintiffs.

AS AND FOR A RESPONSE TO FIRST CROSS CLAIM
(Common Law Indemnification)

6. The County-Wide Defendants repeat, reallege and incorporate by reference their responses to the preceding paragraphs of the Crossclaims, as if fully set forth herein.
7. The County-Wide Defendants deny the allegations contained in paragraph 7 of the Crossclaims and specifically aver that they did not employ Plaintiffs.
8. The County-Wide Defendants deny knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 8 of the Crossclaims.
9. The County-Wide Defendants deny the allegations contained in paragraph 9 of the Crossclaims and specifically aver that they did not employ Plaintiffs.

10. The County-Wide Defendants deny the allegations contained in paragraph 10 of the Crossclaims and specifically aver that they did not employ Plaintiffs.

11. The County-Wide Defendants deny the allegations contained in paragraph 11.

The County-Wide Defendants deny that the Carben Defendants are entitled to any of the relief requested in the “WHEREFORE” clause of the Crossclaims.

AS AND FOR A FIRST AFFIRMATIVE DEFENSE

12. The Carben Defendants’ Crossclaims fail, in whole or in part, to state a cause of action upon which relief may be granted.

AS AND FOR A SECOND AFFIRMATIVE DEFENSE

13. The County-Wide Defendants did not employ Plaintiffs or cause them to suffer any of the harm alleged in their Complaint.

AS AND FOR A THIRD AFFIRMATIVE DEFENSE

14. The County-Wide Defendants reserve the right to amend their Answer to the Carben Defendants’ Crossclaims to raise additional defenses or pursue any available crossclaims against the Carben Defendants as those claims become known during the litigation.

Dated: New York, New York
December 2, 2020

Yours, etc.,

DEALY SILBERSTEIN &
BRAVERMAN, LLP

By: /s/ Laurence J. Lebowitz

Laurence J. Lebowitz

*Attorneys for Defendants County-Wide
Masonry Corp. and Anthony Derasmo*

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CERTIFICATE OF SERVICE

I hereby certify that, on December 2, 2020, a copy of the foregoing was filed electronically and served by mail on anyone unable to accept electronic filing. Notice of this filing will be sent by e-mail to all parties by operation of the court's electronic filing system or by mail to anyone unable to accept electronic filing as indicated on the Notice of Electronic Filing. Parties may access this filing through the court's CM/ECF System.

/s/ Amanda E. Maguire

Amanda E. Maguire (AM1775)